

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application, and for courtesies extended during the Examiner Interview on April 28, 2011.

Examiner Interview

A telephonic Examiner Interview was conducted on April 28, 2011 with Examiner T. Doan. In the Examiner Interview, Applicants discussed the prior art and proposed amendments to the independent claims. The Examiner agreed that proposed amendments clarifying that the first and second logical channels are associated with a single physical channel would further prosecution by overcoming the cited prior art. The proposed amendments are substantially similar to the claim amendments presented in this response. Applicants have reviewed the Interview Summary entered on May 6, 2011 (“Interview Summary”) and agree with its contents.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 17 includes allowable subject matter.

Disposition of Claims

Claims 1-21 are pending in the application. Claim 1 is independent. The remaining claims depend, directly or indirectly, from independent claim 1.

Claim Amendments

Independent claim 1 has been amended to clarify the invention. Further, dependent claims 5-8 and 11-13 are amended to address minor issues of antecedent basis arising from the amendments to independent claim 1. Support for the aforementioned amendments may be for example, on p. 4, lines 17-30 and p. 5, lines 16-23 of the originally filed specification. No new matter has been added by the aforementioned amendments.

Information Disclosure Statement (IDS)

An IDS is being filed concurrently with this reply. Applicants respectfully request that the Examiner acknowledge and consider the reference cited in the IDS.

Rejections under 35 U.S.C. § 103Claims 1, 4, 5, 13, 20, and 21

Claims 1, 4, 5, 13, 20, and 21 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,883,715 (“Fruhauf”) and U.S. Patent Pub. No. 2003/0053483 (“Hosokawa”). *See* Office Action, pp. 2-4.

35 U.S.C. § 103 provides the statutory definition of obviousness. The framework for applying 35 U.S.C. § 103 was initially set out by the Supreme Court in *Graham v. John Deere Co.*, 86 S.Ct. 684 (1966). This framework was reaffirmed by the court in *KSR Intern. Co. v. Teleflex Inc.* 127 S.Ct. 1727, 1734 (2007). Based on the above framework, one rationale that may be used to support a conclusion of obviousness is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no

change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *See KSR*, 127 S.Ct. at 1739. In the instant case, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has used the above rationale to support a rejection of obviousness based on Fruhauf in view of Hosokawa.

In the Examiner Interview conducted on April 28, 2011, the Examiner indicated that amending independent claim 1 to clarify that the first and second logical channels are associated with a single physical channel would further prosecution by overcoming the cited prior art. *See* Interview Summary, p. 4. Applicants have amended independent claim 1 in a manner consistent with the amendments proposed in the Examiner Interview. Accordingly, the cited prior art fails to disclose or render obvious amended independent claim 1. Therefore, amended independent claim 1, as well as claims depending therefrom, are not obvious in view of the cited prior art. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 2, 3, and 6-12

Claims 2, 3, and 6-12 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Fruhauf, Hosokawa, and U.S. Patent Pub. No. 2004/0177215 (“Nagamasa”). *See* Office Action, pp. 4-6. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

In rejecting dependent claims 2, 3, and 6-12, the Examiner relies on Fruhauf and Hosokawa as applied to independent claim 1. However, as described above, Fruhauf and Hosokawa fail to disclose or render obvious all the limitations of amended independent claim 1. Further, Nagamasa fails to supply that which Fruhauf and Hosokawa lack. Specifically, Nagamasa fails to disclose or render obvious at least the limitations discussed above with regard to amended independent claim 1. Thus, independent claim 1 is not obvious in view of Fruhauf, Hosokawa, and Nagamasa, whether

considered separately or in combination. Therefore, dependent claims 2, 3, and 6-12 are patentable over Fruhauf, Hosokawa, and Nagamasa for at least the same reasons. Accordingly, based on the above, the rejection is respectfully traversed.

Claims 16, 18, and 19

Claims 16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Fruhauf, Hosokawa, and U.S. Patent Pub. No. 2003/0023954 (“Wilkinson”). *See* Office Action, pp. 6-7. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

In rejecting dependent claims 16, 18, and 19, the Examiner relies on Fruhauf and Hosokawa as applied to independent claim 1. However, as described above, Fruhauf and Hosokawa fail to disclose or render obvious all the limitations of amended independent claim 1. Further, Wilkinson fails to supply that which Fruhauf and Hosokawa lack. Specifically, Wilkinson fails to disclose or render obvious at least the limitations discussed above with regard to independent claim 1. Thus, independent claim 1 is not obvious in view of Fruhauf, Hosokawa, and Wilkinson, whether considered separately or in combination. Therefore, dependent claims 16, 18, and 19 are patentable over Fruhauf, Hosokawa, and Wilkinson for at least the same reasons. Accordingly, the rejection is respectfully traversed.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669/093001).

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Respectfully submitted,

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Enclosure (Information Disclosure Statement)